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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,432	05/09/2001	Paul M. Cohen	42390P11041	4988

8791 7590 12/14/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
DU, THUAN N	

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/852,432	COHEN ET AL.	
	Examiner	Art Unit	
	Thuan N. Du	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 10/11/05).

2. Claims 1-19 are presented for examination.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (U.S. Patent No. 6,266,776) and Oprescu et al. [Oprescu] (U.S. Patent No. 5,483,656)[1].

5. Regarding claim 1, Sakai teaches a method to modify power to a system, comprising:

monitoring a power level for a power supply (21) [col. 4, lines 51-52, 55-56] providing power to a plurality of devices (11-15) [Fig. 2; col. 4, lines 50-51], with each device having an operating power level;

detecting a change in said power level for said power supply [col. 4, lines 61-63];

creating a modification signal [col. 4, lines 63-64], based on said change in said power level of said power supply [col. 4, lines 61-63], to modify said operating power level of at least one of said plurality of devices [col. 7, line 62 to col. 8, line 5]; and

sending said modification signal to said at least one of said plurality of devices [col. 4, lines 52-53, 64-66; col. 5, lines 5-8; col. 7, line 66 to col. 8, line 1].

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[1] Both Sakai and Oprescu were cited in previous office actions.

Sakai does not explicitly name the POWER_PME signal is modification signal. However, the POWER_PME signal causes the system (including components 11-15) to change its operating state. Therefore, the POWER_PME is interpreted as modification signal.

Sakai does not explicitly teach that each device having more than one operating power levels and a priority factor. However, one of ordinary skill in the art would have recognized that each of components (11-15) in the system would obviously having at least a normal operating power level and an OFF power level and an operating power level in between if desired. Since Sakai discloses the system comprising a plurality of devices, operation priority factor would also applicably desirable.

Oprescu teaches a system comprising a plurality of components [Fig. 1] wherein each of the plurality of components capable of switching from one operating power level to another operating power level [col. 5, lines 58-59, 65-67] based on an amount of change in power level and priority factor [Fig. 2; col. 7, lines 6-10, 49-61; col. 8, line 59 to col. 9, line 4].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Sakai and Oprescu because they both teach system for controlling power consumption of a computer system. The teaching of Oprescu would increase the performance of the system by allowing Sakai's component(s) is operable under a lower power state.

6. Regarding claim 2, Sakai teaches the method further comprising the steps of:

receiving said modification signal at said at least one of said plurality of devices [col. 4, lines 52-53, 64-66; col. 5, lines 5-8; col. 7, line 66 to col. 8, line 1]; and

modifying said operating power level for said at least one of plurality of devices in accordance with said modification signal [col. 7, line 62 to col. 8, line 5].

7. Regarding claim 3, Sakai teaches that the modifying comprises reducing said operating power level for said at least one of said plurality of devices in accordance with said modification signal [col. 7, line 62 to col. 8, line 5].

8. Regarding claim 4, Sakai teaches that the modifying comprises increasing said operating power level for said at least one of said plurality of devices in accordance with said modification signal [col. 8, lines 5-8].

9. Regarding claim 5, Sakai selects a number of portions of the system to operate [col. 7, lines 64-66].

10. Regarding claim 6, Sakai detects a current power level for said power supply [col. 4, lines 51-52].

11. Regarding claims 7 and 8, Sakai teaches that the system comprising a power table storing characteristics of each of the devices [col. 3, line 61 to col. 4, line 3].

12. Regarding claims 9-11, all the claimed subject matters are already discussed in respect to claims 1-8 above.

13. Regarding claims 12-17, Sakai and Oprescu together teach the claimed method steps. Therefore, Sakai and Oprescu together teach the apparatus to implement the claimed method steps.

14. Regarding claims 18-19, Sakai and Oprescu together teach the claimed method steps. Therefore, Sakai and Oprescu together teach the program instructions for carrying out claimed method steps.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

TD
December 8, 2005

THUAN N. DU
PRIMARY EXAMINER